

~~Entered on 8/31/10
SEALED~~

UNITED STATES DISTRICT COURT

10/08/2010 AMIC:04

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

MAGISTRATE CASE NO. **10 MJ 2909**

Plaintiff,

COMPLAINT FOR VIOLATION OF:

MICHAEL ROYCE GALYEN,

Title 18, U.S.C.
§2252(a)(4)(B) – Possession of Images of
Minors Engaged in Sexually Explicit
Conduct

Defendant.

The undersigned Complainant, being duly sworn, states:

Count One

On or about March 2, 2010, within the Southern District of California, defendant

MICHAEL ROYCE GALYEN did knowingly possess one or more matters, including computer hard drive(s) and computer media containing digital and computer images, that contained visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, U.S.C., Section 2256(2), and which visual depictions were of such conduct; in violation of Title 18, U.S.C., Section 2252(a)(4)(B).

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Sharlene E. Ramirez
Detective, San Diego Police Department
Special Deputy, US Marshal

Sworn to me and subscribed in my presence this 31 day of August, 2010


UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

I am a peace officer employed by the San Diego Police Department (SDPD) and have been so employed for about 25 years. I am currently assigned to the Internet Crimes Against Children (ICAC) Task Force, and have been assigned as a full time member for the last 3 years. To facilitate my work with the ICAC Task Force, I was cross-sworn as a Special Deputy U.S. Marshal in May, 2007. As part of my duties with the ICAC, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251 and 2252(a). In addition to training received through the San Diego Regional Police Academy, I have received training through Peace Officer Standards and Training and the Office of Juvenile Justice and Delinquency Prevention to include sexual assault, child abuse, and child sexual exploitation investigations. I was previously assigned to the SDPD Sex Crimes Unit for approximately 4½ years and in the course of my career have investigated in excess of 500 cases involving sexual assault allegations including allegations of child molest. During my tenure with the ICAC Task Force I have received extensive training in conducting Internet investigations regarding the sexual exploitation of minors, child pornography, and the preservation and review of computer related evidence. Additionally, I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media, and I have participated in the execution of numerous federal and state search warrants, and probation and parole searches, which involved child exploitation and/or child pornography.

On September 17, 2009, the social networking site MySpace.com reported to the National Center for Missing and Exploited Children (hereinafter NCMEC) that images of possible child pornography were uploaded to a user account at MySpace.com/499525419. The account holder was further identified with email address: tracy14luv1@live.com and IP address 72.197.144.214. The report was forwarded to the San Diego ICAC Task Force, and assigned to me for investigation.

Your affiant viewed the uploaded images and saw 6 pictures of a young girl approximately 11-13 years old in various poses. Two of the images show the girl with her top pulled up to expose her breasts; three of the images depict the girl with her pants pulled down or completely removed and her back to the camera, in at least one of those images she is bent at the waist to expose her genital area; the final picture depicts the nude legs and torso of apparently the same girl as she lays back on a bed with her knees bent up, the central focus of the picture is the exposed vaginal area of the girl.

1 I obtained the records of Cox Communications and Microsoft live.com to identify the
2 Cox Communications account holder accessing the email account at tracy14luv1@live.com. The
3 account holder was identified as Michael GALYEN of 900 Sportfisher Dr., Oceanside,
4 California. Using SDPD computer resources, I learned that Michael GALYEN is a registered
5 sex offender out of the state of Illinois. I spoke to Oceanside Police Department registration
6 clerk Vickie Sandoval regarding the current registration status of Michael GALYEN. Sandoval
7 advised me that GALYEN'S prior conviction involved manufacturing child pornography.

8 On March 2, 2010, I obtained a search warrant for GALYEN'S residence located at 900
9 Sportfisher Drive in the city of Oceanside, California, issued by the San Diego Superior Court.
10 Eleven computer hard drives were seized from GALYEN'S residence pursuant to the search
11 warrant. I brought the computers to the Regional Computer Forensics Laboratory (hereinafter
12 RCFL) for forensic imaging. RCFL was able to provide me with data from only three of the
13 hard drives. Six of the remaining hard drives contained encrypted data and two of the hard
14 drives were "unable to image" according to RCFL examiners. I was unable to review the
15 contents of those drives at this time.

16 On one computer hard drive, I found two images depicting possible child pornography.
17 One of the images depicts a girl approximately 14-16 years old, lying nude on a bed. The girl is
18 positioned on her side and is propped up on one elbow. The photograph extends from the top of
19 her head to the top of her thighs. The second image depicts the same girl seen in the
20 "Tracy14luv1" profile as reported by MySpace.com. "Tracy14luv1" is fully clothed; however,
21 she is pictured lying back on a bed wearing shorts with her legs spread apart. The camera is
22 positioned to focus on the girl's crotch area.

23 On a computer hard drive found inside GALYEN'S Gateway desktop computer, I found
24 over 2,400 images of possible child pornography. The majority of the images depict young boys
25 between the approximate ages of 6 and 12 years. Two of these files are described below:
26

- 27 1. Image exported as 533237.bmp – the picture is taken from above looking down at
28 the exposed penis of a little boy possibly 4-6 years old. The boy is touching his
29 penis with both of his hands and displaying it, apparently for the camera.
- 30
- 31 2. Image exported as 533238.bmp – depicts the torso of a young boy, approximately
32 8 years old, lying back on a bed totally nude. The boy's penis is exposed and an

1 adult size hand can be seen reaching out toward the penis. The boy's arms are
2 down at his sides.
3

4 Additionally, I found one video that I believe constitutes child pornography. The video is
5 described below:
6

7 1. Video exported as 72748.wmv – “Adam shows” The video is 53 seconds in
8 duration and depicts a boy sitting in a chair wearing only swim trunks. A caption
9 on the video states “awesome.” The boy is wearing headphones and is apparently
10 communicating on the computer. The boy, approximately 14 years old, proceeds
11 to pull down his swim trunks and expose his penis to the camera several times.
12 The video appears to have been self-captured by webcam.

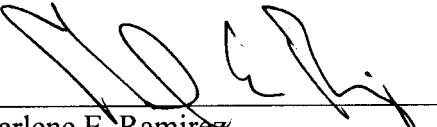
13

14 **REQUEST FOR SEALING**

15

16 It is further respectfully requested that this Court issue an Order sealing, until further
17 order of this Court, all papers submitted in support of this complaint, including the probable
18 cause statement and arrest warrant. Sealing is necessary because premature disclosure of the
19 contents of this probable cause statement and related documents may cause the defendant to flee
20 and may cause destruction of evidence and may have a negative impact of this continuing
21 investigation.

22

23 
24 Sharlene E. Ramirez
25 Detective, San Diego Police Department
26 Special Deputy, US Marshal
27